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## **PARENT GROUPS, STUDENTS FILE LANDMARK SUIT AGAINST THE STATE OF CALIFORNIA TO REDRESS PUBLIC SCHOOL LITERACY CRISIS**

*California has three of the lowest-performing schools and 11 of the lowest 26 districts in the nation; children in underserved districts lack the ability to read and write because the state hasn't taken steps to ensure that all schools are delivering literacy; landmark suit is the first in the nation to seek recognition of a state constitutional right to access to literacy*

Stockton, CA, December 5, 2017 – Today, students, parents, and advocacy organizations CADRE and Fathers & Families of San Joaquin, represented by Public Counsel and [Morrison & Foerster](#), filed suit against the State of California, the State Board of Education, the State Department of Education, and State Superintendent of Public Instruction, Tom Torlakson, for their collective failure to provide every child in the state access to literacy as required under the California Constitution.

The complaint was filed in Los Angeles County Superior Court on behalf of California students at La Salle Avenue Elementary School (Los Angeles—the 22<sup>nd</sup> lowest performing school district in the nation), Van Buren Elementary School (Stockton—the third lowest performing school district in the nation), and the charter school Children of Promise Preparatory Academy (Inglewood), as well as on behalf of their advocates, including former teachers and community organizations CADRE and Fathers & Families of San Joaquin.

The civil rights action underscores that literacy is the single most urgent crisis confronting California schools today.

Based on the state's own testing standards, under-performing schools throughout California have student bodies consistently achieving less than 10 percent, and frequently less than 5 percent, proficiency in core subjects like reading and math. In 2016-17, the school-wide proficiency rates for La Salle, Van Buren, and Children of Promise, respectively, were four, six, and 11 percent. To put those figures into context, in 2016-17, only eight children out of the 179 students tested at La Salle Elementary were found to be proficient by state standards.

“Public education was intended as the ‘great equalizer’ in our democracy, enabling all children opportunity to pursue their dreams and better their circumstances. But in California it has become the ‘great unequalizer,’” said attorney [Mark Rosenbaum](#), Public Counsel. “Although denial of literacy is the great American tragedy, California is singlehandedly dragging down the nation despite the hard work and commitment of students, families and teachers. Of the nation’s 200 largest districts, eleven of the 26 lowest-performing districts are in California; New York, by comparison, has two, and Texas has only one. In 2017, there is no excuse for every child not learning to read, and reading to learn.”

As highlighted in the lawsuit, the state’s own literacy experts concluded in a 2012 report that “there is an urgent need to address the language and literacy development of California’s underserved populations...” The state’s experts warned, “the critical need to address the literacy development of California children and students cannot be underestimated...” Yet the state took no meaningful steps to respond to the crisis.

“It has been five years since the state identified urgent literacy issues and their remedies, but it is yet to implement a plan to address these issues,” added [Michael Jacobs](#), partner at Morrison & Foerster. “In the meantime, children in underserved districts fall further behind and lack even the most basic literacy skills. It’s time for the state to be held accountable for the success of every student. We hope this suit will lead to immediate and effective measures implemented by the state to help these struggling students and schools.”

Plaintiffs ask the state to meet its constitutional obligations by ensuring that all schools deliver proven literacy instruction, literacy assessments and interventions, support for teachers, and implementation of practices to promote parent involvement and learning readiness. The suit includes non-charter and charter schools.

Public Counsel, the nation’s largest pro bono law firm, is committed to promoting success for all students and most recently filed a federal class action suit against the State of Michigan on behalf of underserved students. Morrison & Foerster was one of the leading forces behind the 2001 *Williams v. California* case, co-counseled by Mark Rosenbaum, which has led to improved school facilities, higher thresholds for teacher quality, and better instructional materials.

For more information on the lawsuit, please visit [www.LiteracyCalifornia.com](http://www.LiteracyCalifornia.com)

For more information on the state literacy report, visit [California Striving Readers Comprehensive Literacy Plan: A Guidance Document](#).

#### ABOUT PUBLIC COUNSEL

Public Counsel is the nation’s largest pro bono law firm. Founded in 1970, Public Counsel strives to achieve three main goals: protect the legal rights of disadvantaged children; represent immigrants who have been the victims of torture, persecution, domestic violence, trafficking, and other crimes; and foster economic justice by providing individuals and institutions in underserved communities with access to quality legal representation. Through a pro bono model that leverages the talents and dedication of thousands of attorney and law student volunteers, along with an in-house staff of more than 75 attorneys and social workers, Public Counsel annually assists more than 30,000 families, children, immigrants, veterans, and nonprofit organizations and addresses systemic poverty and civil rights issues through impact litigation and policy advocacy. For more information, visit [www.publiccounsel.org](http://www.publiccounsel.org).

#### ABOUT MOFO

We are Morrison & Foerster — a global firm of exceptional credentials. Our clients include some of the largest financial institutions, investment banks, and Fortune 100, technology, and life sciences companies. The Financial Times has routinely named the firm to its lists of most innovative law firms in Northern America and Asia every year that it has published since publishing its Innovative Lawyers

Reports in those regions. In the past few years, Chambers USA has honored MoFo's Privacy and Data Security, Bankruptcy, and IP teams with Firm of the Year awards, the Corporate/M&A team with a client service award, and the firm as a whole with the Global USA Firm of the Year award. Our lawyers are committed to achieving innovative and business-minded results for our clients, while preserving the differences that make us stronger. The firm also has a long history of commitment to the community through providing pro bono legal services, including litigating for civil rights and civil liberties, improving public education for poor children, advocating for veterans, promoting international human rights, winning asylum for the persecuted, and safeguarding the environment.